

EXHIBIT 8

1 UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF OHIO
 3 EASTERN DIVISION

4 IN RE: NATIONAL)
 5 PRESCRIPTION) MDL No. 2804
 6 OPIATE LITIGATION)
 7 _____) Case No.
 8) 1:17-MD-2804
 9)
 10 THIS DOCUMENT RELATES) Hon. Dan A.
 11 TO ALL CASES) Polster
 12)

13 FRIDAY, JULY 12, 2019

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
 15 CONFIDENTIALITY REVIEW
 16 VOLUME II

17 - - -

18 Videotaped deposition of Michael
 19 Mapes, held at the offices of The Mining
 20 Exchange, A Wyndham Grand Hotel & Spa, 8
 21 South Nevada Avenue, Colorado Springs,
 22 Colorado, commencing at 8:01 a.m., on the
 23 above date, before Carrie A. Campbell,
 24 Registered Diplomate Reporter and Certified
 25 Realtime Reporter.

- - -

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1 lawyer had you tell the jury that you'd never
2 met her before, the truth of the matter is
3 you've been working with their lawyers,
4 haven't you?

5 MS. MCCLURE: Form.

6 THE WITNESS: Yes.

7 QUESTIONS BY MR. LANIER:

8 Q. So you may not have met that
9 lawyer for AmerisourceBergen, but you were
10 working for other lawyers, weren't you?

11 A. Yes.

12 Q. And that's all part of what you
13 did with the company as their man helping
14 them with the diversion control program,
15 right?

16 MS. MCCLURE: Form.

17 THE WITNESS: That's correct.

18 QUESTIONS BY MR. LANIER:

19 Q. Well, we'll get into that in a
20 little bit, but I want to start out with a
21 roadmap and show you what I plan on asking
22 you today.

23 Okay?

24 A. Okay.

25 Q. I call your roadmap -- that's

1 you, right there, Michael Mapes, right?

2 A. Yes.

3 Q. Tried to get a good picture.

4 You okay with that picture?

5 A. It is what it is.

6 Q. Oh, it's not bad.

7 How old do you think that

8 picture is?

9 A. Three years maybe.

10 Q. Okay. You shaved for that

11 picture. You didn't shave for the jury

12 today, did you?

13 A. I did not.

14 Q. That's all right.

15 U-turn road.

16 Your career has taken a lot of

17 twists and turns, hasn't it?

18 MS. MCCLURE: Form.

19 THE WITNESS: In what regard?

20 QUESTIONS BY MR. LANIER:

21 Q. Well, I mean, you're all over

22 the map. You've done work for the

23 government. You've done work for industry,

24 lots of different parts of industry. You've

25 got companies that you've kind of helped

1 start and help get off the ground. You've
2 got -- you claim expertise in a lot of
3 different areas, right?

4 MS. MCCLURE: Form. Compound.
5 Characterization.

6 THE WITNESS: I have experience
7 in a lot of areas, yes.

8 QUESTIONS BY MR. LANIER:

9 Q. And so here's what I'd like to
10 do. I'd like to look at this road, and I'd
11 like to consider your personal background
12 first. We'll make a stop there.

13 Then we're going to make a stop
14 at your time with the DEA, and then we're
15 going to make a stop at your time doing work
16 for industry.

17 And let's see if maybe your
18 testimony kind of rotates around based upon
19 where you are and who you're working for.

20 Okay?

21 A. Okay.

22 MR. BENNETT: Objection.

23 QUESTIONS BY MR. LANIER:

24 Q. Now, in that regard, the first
25 stop we're going to make is personal

1 background. And I'm going to keep a sheet of
2 your personal background, and we're going to
3 mark these documents that I'm showing to the
4 jury as an exhibit so that both sides have
5 them and we've got the benefit of them as a
6 demonstrative exhibit for the jury.

7 Your personal background, you
8 gave us a lot of it yesterday, but what I'd
9 like to do is sort of go in and look at you
10 from another angle.

11 Are you familiar with the
12 concern that has been expressed about a
13 revolving door between government and
14 industry?

15 A. Yes.

16 Q. And a revolving door -- you
17 know, most doors are just a door that's, you
18 know, this, with a doorknob. But a revolving
19 door is one of those doors that tends to
20 revolve around, such that you've got an
21 ability to go in one way and out the other.

22 Do you follow me?

23 A. Yes.

24 Q. And the concern has been one
25 because there seem to be people who work for

1 the DEA and spend their time making
2 connections, learning the ins and outs,
3 learning the niceties of how things work, but
4 then they'll retire or take their pension
5 from the DEA and go to work for industry, the
6 very companies that they were supposed to be
7 looking over, right?

8 MS. MCCLURE: Form.

9 MR. EPPICH: Objection.

10 Argumentative.

11 THE WITNESS: And could you
12 restate the question again?

13 QUESTIONS BY MR. LANIER:

14 Q. Sure.

15 The reason the revolving door
16 is a concern is because there seems to be a
17 pattern of folks working for the DEA who then
18 go to work for the very industries they were
19 supposed to be overseeing, correct?

20 MS. MCCLURE: Form.

21 Argumentative.

22 THE WITNESS: Yes, I went to
23 work with the industries after
24 retiring from DEA.

25

1 going to work for industry, didn't you?

2 MS. MCCLURE: Form.

3 THE WITNESS: Yes, I did work
4 for industry.

5 QUESTIONS BY MR. LANIER:

6 Q. In fact, there's an expression
7 that y'all use; you were hired up --

8 MS. MCCLURE: Form.

9 QUESTIONS BY MR. LANIER:

10 Q. -- by industry, weren't you?

11 MS. MCCLURE: Foundation.

12 THE WITNESS: I haven't heard
13 that expression.

14 QUESTIONS BY MR LANIER:

15 Q. You've never heard the
16 expression "hired up"?

17 A. No, I haven't.

18 Q. Okay.

19 MS. MCCLURE: Mr. Lanier,
20 consistent with the practice during
21 the Rannazzisi deposition, I do note
22 that you are writing information on
23 the sheet of paper you have in front
24 of me in advance of asking the witness
25 the question and in advance of the

1 witness confirming that yes or no he's
2 familiar with the concept of "hired
3 up."

4 So I would request, again, that
5 you refrain from writing information
6 on the sheet which suggests that it
7 is, in fact, information obtained from
8 Mr. Mapes until Mr. Mapes has, in
9 fact, provided you with that
10 information.

11 MR. LANIER: I'm allowed --
12 he's an adverse witness. I'm allowed
13 to lead him, so I'm allowed to write
14 questions that may be leading in that
15 way.

16 I'm also allowed to write any
17 note I want to in terms of "look at
18 this, please, and tell me if you agree
19 with that statement."

20 You show him a document; I show
21 him a demonstrative. Nobody, no
22 lawyer in any trial I've ever been in,
23 has to ask questions before they use a
24 demonstrative or show a demonstrative
25 to a witness, and this is no

1 different.

2 MS. MCCLURE: I continue to
3 maintain my objection.

4 MR. LANIER: Okay.

5 QUESTIONS BY MR. LANIER:

6 Q. So you've not heard that
7 expression "hired up" by industry?

8 A. No, I have not.

9 Q. All right. Let's see if we can
10 find some of where it may come from.

11 You read the New York -- I mean
12 the Washington Post ever?

13 A. I have in the past.

14 Q. Are you familiar with the
15 article "The Drug Industry's Triumph Over the
16 DEA"? I'm going to mark it as Exhibit
17 Number 21.

18 (Mapes Exhibit 21 marked for
19 identification.)

20 QUESTIONS BY MR. LANIER:

21 Q. Put it up here for the jury to
22 see.

23 Are you familiar with this
24 article, sir?

25 MS. MCCLURE: Mr. Lanier, while

1 Marino Bill?

2 MS. MCCLURE: Vague.

3 THE WITNESS: No.

4 QUESTIONS BY MR. LANIER:

5 Q. It was subject to that article
6 that we looked at earlier that had the yellow
7 dots, the Marino Bill -- I think there's just
8 one N in Marino -- that took away some of the
9 powers of the DEA.

10 You're not familiar with that?

11 MS. MCCLURE: Form.

12 Foundation. Mischaracterizes.

13 THE WITNESS: I had not heard
14 of that name, but I've heard of a bill
15 that has different requirements than
16 they had in the past.

17 QUESTIONS BY MR. LANIER:

18 Q. So you don't have any knowledge
19 of whether or not the DEA still has today all
20 of the same tools at its disposal that it had
21 when you were there?

22 A. No, I don't know.

23 MR. LANIER: Okay. Brings me
24 to the end of the road. I'll pass the
25 witness.

1 MS. MCCLURE: Off the record.

2 VIDEOGRAPHER: We're going off

3 record. The time is 11:36.

4 (Mapes Exhibit 32 marked for
5 identification.)

6 (Off the record at 11:36 a.m.)

7 VIDEOGRAPHER: We're going back

8 on the record. Beginning of Media

9 File Number 6. The time is 12:59.

10 RE-EXAMINATION

11 QUESTIONS BY MS. MCCLURE:

12 Q. Good afternoon, Mr. Mapes.

13 A. Good afternoon.

14 Q. Just a reminder, my name is
15 Shannon McClure. I represent
16 AmerisourceBergen Drug Corporation. I just
17 have a few follow-up questions for you today.

18 I'm going to be talking about
19 certain things that Mr. Lanier talked to you
20 about, so it may seem less like the roadmap
21 that Mr. Lanier had and a little more
22 scattershot. So if at any time you'd like me
23 to clarify a little bit more about where I
24 am, that's the nature of conducting this part
25 of the examination, which is a response to

1 (Mapes Exhibit 35 marked for
2 identification.)

3 VIDEOGRAPHER: Going off record
4 at 1:40.

5 (Off the record at 1:40 p.m.)

6 VIDEOGRAPHER: We're going back
7 on record. Beginning Media File 8.
8 The time is 1:59.

9 RE-EXAMINATION

10 QUESTIONS BY MS. FITZPATRICK:

11 Q. Good afternoon, Mr. Mapes. We
12 met briefly yesterday, but my name is Laura
13 Fitzpatrick, and I'm here on behalf of the
14 plaintiffs, and I'm going to take over for
15 Mr. Lanier for a little bit.

16 I want to just kind of reorient
17 you and the jury here. I'd like to talk --
18 just a second.

19 I'd like to kind of redirect
20 us, call this my redirect roadmap that
21 Ms. Lanier made for me here.

22 I'd like to take us from the
23 muddy waters that you were brought into over
24 the last, I think, 45 minutes or so, back on
25 to what I'm going to call clarity road.

1 Okay?

2 A. Okay.

3 Q. All right. Now, you were shown
4 by the ABDC lawyer the document that we've
5 referred to as the methamphetamine document,
6 and there were some suggestions that ABDC had
7 a policy that the DEA approved of.

8 Do you recall that?

9 MS. MCCLURE: Form.

10 THE WITNESS: Yes.

11 QUESTIONS BY MS. FITZPATRICK:

12 Q. Okay. Now, would you agree
13 with me that a policy is no good if a company
14 doesn't follow it?

15 A. Yes.

16 Q. And would you agree that if
17 someone doesn't put their seat belt on and
18 they get into a car wreck, they may not be
19 protected by the seat belt?

20 MS. MCCLURE: Form.

21 THE WITNESS: Correct.

22 QUESTIONS BY MS. FITZPATRICK:

23 Q. Okay. Thank you.

24 Now, with respect to

25 Ms. McClure's questions to you about the ABDC